

ARTICLE III REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN FOR SUBDIVISIONS IN BRUNSWICK COUNTY

Section III-I General

Each subdivision of land shall meet the minimum standards of design and contain the improvements required by this article. Land may be dedicated and reserved in subdivisions and the required improvements shall be paid for by the subdivider or developer.

Section III-2 Suitability of Land

- 2.1 Land which has been determined by the County staff on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions.
- 2.2 Areas that have been used for disposal of solid waste shall not be subdivided.
- 2.3 Subdivision proposals shall be consistent with the need to minimize flood damage.

Section III-3 Name Duplication

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County.

Section III-4 Subdivision Design

- 4.1 Blocks
 - A. The lengths, width, and shapes of blocks shall be determined with due regard to; provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
 - B. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from through-vehicular traffic or another type of use, in non-residential subdivisions, or where abutting a water area.
 - C. Where deemed necessary by the Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.

- D. Block numbers shall conform to the County street numbering system, if applicable.

4.2 Lots

- A. Lots in new subdivisions shall conform to zoning regulations of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- B. The lot width shall be based on the specific zoning district requirements.
- C. Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum street frontage width requirements shall be forty (40) feet.
- D. Corner lots for residential use shall have an extra width of ten (10) feet to permit adequate building setback from the side streets.
- E. Double frontage lots should be avoided
- F. Side lot lines shall be substantially at right angles or radial to street lines.
- G. Street lights shall be provided in major subdivisions as regulated by the appropriate utility company.

4.3 Easements/Wetlands/Open Space

- A. Utility and drainage easements shall be provided and shall be at least twenty (20) feet wide. Drainage easements should be centered on rear or side lot lines to the maximum practical extent. Utility and drainage easements shall be approved by the Director of Engineering Services.
- B. Where a subdivision is traversed by a water course, drainageway, drainage tile, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

C. Wetlands

Ecologically sensitive lands, such as marsh, Carolina Bays, pocosins and swamps, when in the ownership of the owner/applicant, are to be preserved whenever possible for the public interest. An approximate delineation of wetlands at preliminary plat stage and surveyed delineation of Federally regulated wetlands at final plat stage are required in major subdivisions. Staff shall receive documentation from the Corps of Engineer of wetland delineation to go in file.

D. Assured Open Space

For residential developments of 20 or more lots, assured open space area shall be a minimum of three (3) percent of the gross site area or one-half (1/2) acre whichever is greater. The entire three (3) percent of the open space must be land other than wetlands. The assured open space shall be accessible to the housing units.

E. Lakes, ponds, creeks, and similar areas may be accepted by the County for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be approved by the Board of Commissioners.

F. All affected utility companies shall be provided with copies of the plat by the subdivider and be expected to work with the developer in designing the utilities plan for the subdivision.

4.4 Development Agreements

Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

1. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).
2. The Development Agreements shall be limited to a term not exceeding 20 years.
3. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.
4. Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation.

Rev. 02/06/06

Section III-5 Streets

5.1 Public Streets

All public streets shall be built to the standards of this ordinance and all other applicable standards of the County and the N.C. Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter.

Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be constructed in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter, so as to be eligible to be put on the system at a later date. A written road maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included in the final plat.

5.2 Subdivision Street Disclosure Statement

All public streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

5.3 Marginal Access Streets

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

5.4 Access to Adjacent Property

Where, in the opinion of the Subdivision Administrator, or Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

5.5 Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, July 1,

1985, or current standards, and the standards in this ordinance, whichever are stricter.

5.6 Design Standards

The design of all public streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the N.C. Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) Manuals. The N.C. Department of Transportation, Division of Highway's Subdivision Roads Minimum Construction Standards, July 1, 1985, or current standards, and County design standards in Appendix A.

5.7 For all public streets, the minimum right-of-way widths shall be as follows:

A. Right-of-Way Width

Right-of-Way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

<u>Rural</u>	<u>Minimum Right-of-Way, Feet</u>
1. Principal Arterial	
Freeways	350
Other	200
2. Minor Arterial	100
3. Major Collector	100
4. Minor Collector	45
5. Local Road	50

<u>Urban</u>	<u>Minimum Right-of-Way, Feet</u>
1. Major thoroughfare, other that Freeway & Expressway	90
2. Minor Thoroughfare	70
3. Local Street	45
4. Cul-de-sac	45

The subdivider will only be required to dedicate a maximum of one hundred (100) feet of right-of-way. In cases where over one hundred (100) feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of one hundred (100) feet in width. In all cases in which right-of-way is sought for an access-controlled facility, the subdivider will only be required to make a reservation.

B. Intersection

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty (60) degrees.
2. Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance for the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
3. Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of two hundred (200) feet between survey centerlines.
4. Intersections with arterials, collectors, and thoroughfares, shall be at least one thousand (1,000) feet from center line to center line, or more if required by the N.C. Department of Transportation.

C. Cul-de-sacs

Cul-de-sacs shall not exceed one thousand (1,000) feet in length unless necessitated by topography or property accessibility. Measurement shall be from the point where the center line of the dead-end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. The distance from the edge of pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turn-around. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of a street, unless exception is granted by the Planning Board.

D. Alleys

1. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
2. The width of an alley shall be at least eighteen (18) feet.

3. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end.

E. Turning Lanes

Any subdivisions on U.S. and N.C. highways whose master plan shows over 100 lots shall be required to provide turning lanes into the subdivision.

5.9 Private Roads

- A. Existing private roads must meet Division of Highways, N.C. Department of Transportation Minimum Construction Standards for Subdivision Roads except for applying crushed stone or for paving and said private road shall be dedicated to a homeowner's association, prior to further subdivision of property accessed by existing private road.
- B. Standards for development of Type I, II, and III private road or easement, accessing newly created lots shall meet N.C. Department of Transportation maintained roads.

Type II private road serving more than five (5) and less than ten (10) lots, whether existing lots or new lots, or combination of the same, shall meet the following standards:

1. Shall be constructed to meet all the Division of Highways, N.C. Department of Transportation Minimum Construction Standards for Subdivision Roads, including a minimum of six (6) inches of compacted stone; however, said roads do not have to be paved.
2. Shall be dedicated to a homeowners association, and comply with the following, prior to approval of the final plat:
 - a. The homeowners association shall be established before the lots are sold.
 - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
 - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
 - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property

which shall be subordinate to tax and mortgagee liens.

- e. Owners of each lot shall have voting rights in the association.
- f. The following information shall also be provided:
 - (1) The name and address of the association.
 - (2) The manner in which directors of the association are to be selected.
 - (3) The post office address of the initial registered office.
 - (4) The name of the city and county in which the registered office is located.
 - (5) The number of director's constituting the initial board of directors.

Type III private road serving ten (10) or more lots, whether existing lots or new lots, or combination of the same, shall meet the following standards:

- 1. Shall be constructed and paved to N.C. Department of Transportation minimum standards for subdivision roads.
- 2. Shall be dedicated to a homeowners association, and comply with the following, prior to approval of the final plat:
 - a. The homeowners association shall be established before the lots are sold.
 - b. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
 - c. The association shall be responsible for the maintenance and upkeep of the private street or road.
 - d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgagee liens.
 - e. Any owner of each lot shall have voting rights in the association.
 - f. The following information shall also be provided:
 - (1) The name and address of the association.
 - (2) The manner in which directors of the association

are to be selected.

- (3) The post office address of the initial registered office.
- (4) The name of the city and county in which the registered office is located.
- (5) The number of director's constituting the initial board of directors.

C. Preliminary Plat Approval

All subdivisions with private roads that as of the effective date of this ordinance have Planning Board approval on the preliminary plat of the first phase or section shall be built as approved, however, any additional phases or sections to that subdivision shall follow these regulations.

D. Change in Type, Private Road or Private Easement

All roads, as defined in Section III-5, 5.9B shall meet the standards of construction, based on the number of lots, prior to further subdivision of property.

5.9.1 Private Path

Purpose: The purpose of this section is to provide for recordation of plats of existing paths and new access easements to Lot(s)-of-Record which are "landlocked" at the time of the adoption of this section, and to provide for the recordation and naming of these paths and to provide for certain disclosures statements related thereto. (Note: This section is not intended to provide for access to any new parcels of land. All new divisions of land must continue to meet the public or private road standards of Section III, 5.9.

1. Two types of Private Paths may be recorded. New private paths may be created and recorded to serve as access to landlocked lot(s)-of-record only. An existing pathway, farm road, or "cartway" may be recorded as a Private Path to show the actual centerline location of any access already serving occupied dwellings on landlocked parcels. No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes.
2. No public agency or staff is required to review suitability, design, or construction standard for Private Paths; however, for the purposes of this section, all accesses must have a minimum width of eighteen (18) feet.
3. Where a private path is established to gain access to a single landlocked parcel, the property owner of the benefited parcel shall be responsible for the upkeep and maintenance of the private path absent any recorded agreement to the contrary. In

the case of multiple landlocked parcels not exceeding 5 lots being benefited by the private path, a Road Maintenance Agreement between the property owners of those parcels served by the Private Path shall first be prepared and recorded in the Brunswick County Registry and the Book and Page of such an agreement must be shown on the plat to be approved.

4. This section shall not be relied upon for the creation of any new lots, parcels or tracts and any private path created pursuant to this section shall be conveyed as an easement or right-of-way only. No instrument shall be prepared purporting to transfer title to path other than as part of the tract from which the private path originally was cut. Any conveyance describing the path shall identify the path as a means of access only for the parcel being served.
5. A map entitled a "Private Path Plat" shall be prepared for recording in the Brunswick County Registry by a Registered or Professional Land Surveyor. Prior to the recordation in the Brunswick County Registry, the form of the map shall be reviewed by the Planning Director. The Planning Director may require any notations or explanations as considered necessary by the Planning Director to be placed on the plat and shall include, but not be limited to the following:
 - (a) Private Path Disclosure Statement similar to that required by N.C.G.S. 136-102.6 which shall be signed by the owner(s) of all properties shown on the plat with notarization of all such signatures.
 - (b) The Private Path Disclosure Statement, at a minimum, must be headed by the word "**NOTICE**" in bold, conspicuous print and the statement must also contain the following information:
 - (1) No new divisions of lots, tracts, or parcels of land may be created for any reason by using Private Paths for access purposes.
 - (2) That all parties acknowledge that the path is for private use only and is not intended to serve as public access.
 - (3) That the responsibility as to construction and maintenance of the path has been determined by the parties, and as related to the maintenance, shown on the plat as either:
 - (a) _____ One parcel is served by the private path and the owner of the parcel being benefited by the private path has agreed to be responsible for the maintenance of the private path, or
 - (b) _____ One parcel is served by the private path and the owners of the properties shown on the plat have agreed to maintain the private path according to that agreement

recorded in Book____, Page____, Brunswick County Registry, or

- (c) _____Two or more parcels are benefited by the private path and the parties have agreed to maintain the private path according to the terms of a Road Maintenance Agree-

ment which is recorded in Book _____, Page_____, Brunswick County Registry.

- (4) That the path will not likely be constructed so as to meet the minimum standards necessary for inclusion on the State highway system for maintenance.
- (5) That all parties shown on the plat acknowledge that no governmental authority, including the County of Brunswick, has given an opinion as to the practicality, suitability, or feasibility of the private path as established by the parties.

5.10 Other Requirements

A. Through Traffic Discouraged on Residential Collector and Local Streets

Residential collector and local streets shall be laid out in such a way that their use by through-traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

B. Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the County, irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the GIS Staff.

C. Street Name Signs

The subdivider shall be required to provide and erect street name signs to County standards at all intersections within the subdivision.

D. Permits for Connection to State Roads

An approved driveway permit is required for connection to any existing State system road. This permit is required prior to any construction on the

street or road. The application is available at the office of the nearest district engineer of the Division of Highways (N.C.D.O.T.).

Section III-6 Utilities

6.1 Utility - Water

Brunswick County adopted a water extension policy on March 16, 1998.

6.2 Utility - Sewer

Brunswick County's existing sewer use ordinance adopted November, 1994 is currently being revised. The new revised ordinance will become Appendix E.

6.3 Stormwater and Sedimentation and Erosion Control

All major subdivisions (as defined by this Ordinance) shall provide storm water drainage systems. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level according to State and NC DOT standards. In addition, storm drainage systems shall meet the following requirements:

- A. No surface water shall be channeled or directed into a sanitary sewer.
- B. Where feasible, the subdivider shall connect to an existing storm drainage system.
- C. Where an existing subsurface storm drainage system cannot feasibly be extended to the subdivision or cannot handle the additional load, a surface drainage system shall be designed to protect the proposed development from water drainage.
- D. Surface drainage courses shall be designed to comply with the standards and specifications of erosion control of the North Carolina Sedimentation Pollution Control Act, G.S. 143-34.12, Chapter 113A, Article 4 and the N.C. Administration Code Title 15, Chapter 4, Division of Coastal Management Stormwater regulations, and any locally adopted ordinances.
- E. Stream banks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act, G.S. 143-34, 12, Chapter 113A, Article 4, and the N.C. Administration Code Title 15, Chapter 4.
- F. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law and the North Carolina Administrative Code Title 15, Sub-chapter 2K.
- G. In all areas of special flood hazards, all subdivisions proposal shall have adequate drainage provided to reduce exposure to flooding.

- H. On streets where the grade is greater than five (5) percent, storm drainage must be installed underground using a standard curb and gutter. Where street grades are less than five (5) percent, the developer shall install either underground drainage, grass swales or a combination thereof.
 - I. Post development run-off rates shall not exceed pre-development run-off rates by more than five (5) percent.
- 6.4 Street lights shall be provided in all major subdivisions of 25 lots or more, by the developer as regulated by the appropriate utility company. If the master plan shows more than 25 lots, the entire subdivision will be required to have street lights.
- 6.5 In new subdivisions, electrical, telephone, and cable shall be underground. The subdivider shall provide copies of the plat to all affected utility companies.

Section III-7 Buffering

7.1 Buffering

A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses from one another. A buffer may include any required screening for the site. Buffering should be accordance to the requirements as outlined in the zoning ordinance. Buffering should be located outside drainage easement areas.

Section III-8 Other Requirements

8.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Standard of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of N.C. Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and the property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

8.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and

specifications have been approved by the appropriate authorities, and signed off on by the Planning Director and Director of Engineering.

No building, zoning, or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until the final plat has been approved and recorded. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives, shall inspect and approve all completed work prior to release of the sureties.